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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

RALPH EUGENE KIBBY,

Defendant.

Case: 4:21-cr-20501
Judge: Leitman, Matthew F.
MJ: Ivy, Curtis
Filed: 08-04-2021
SEALED MATTER (tt)

Violations:
18 U.S.C. § 2252A(a)(1)
18 U.S.C. § 2252A(a)(5)(B)

INDICTMENT

F I L E D
AUG 04 2021
U.S. DISTRICT COURT
FLINT, MICHIGAN

THE GRAND JURY CHARGES:

COUNT ONE

**18 U.S.C. §§ 2252A(a)(1) and 2252A(b)(1) – Transportation of Child
Pornography**

1. On or about November 15, 2020, in the Eastern District of Michigan, and elsewhere, defendant, Ralph Eugene Kibby, knowingly transported material that contained child pornography, as defined in Title 18, United States Code, Section 2256(8), using a means and facility of interstate and foreign commerce, including by computer, and on that date, Ralph Eugene Kibby had previously been convicted for an offense specified in 18 U.S.C. § 2252A(b)(1).

All in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT TWO

18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2) – Possession of Child Pornography

2. On or about February 18, 2021, in the Eastern District of Michigan, defendant, Ralph Eugene Kibby, knowingly possessed one or more computer hard drives, cell phones, cameras, DVDs, magazines, periodicals, and other material which contained child pornography, as defined in Title 18, United States Code, Section 2256(8), including but not limited to visual depictions of real minors, prepubescent minors, and minors who had not attained twelve (12) years of age, engaged in sexually explicit conduct, that had been shipped and transported using any means and facility of interstate and foreign commerce, and had been shipped and transported in and affecting interstate and foreign commerce; and on that date, Ralph Eugene Kibby had previously been convicted for an offense specified in 18 U.S.C. § 2252A(b)(2).

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

FORFEITURE ALLEGATIONS
18 U.S.C. § 2253 and 28 U.S.C. § 2461

3. The allegations contained in Counts One and Two of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 2253 and 28 U.S.C. § 2461.

4. Upon conviction of one or more of the offenses charged in Counts One and Two of the Indictment, defendant shall, pursuant to Title 18, United States Code, Section 2253, and Title 28, United States Code, Section 2461, forfeit to the United States the following:

- a. Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, or 2252, 2252A, 2252B, or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of these subsections;
- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- c. Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

5. Substitute Assets: If the property described above as being subject to forfeiture, as a result of any act or omission of defendant:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property that cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c).

THIS IS A TRUE BILL
s/Grand Jury Foreperson

GRAND JURY FOREPERSON

SAIMA S. MOHSIN
Acting United States Attorney

ANTHONY VANCE
Chief, Branch Offices

s/Ann Nee

ANN NEE
Assistant United States Attorney

Dated: August 4, 2021

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number:
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based on LCrR 57.10(b)(4) ¹ :	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: AN

Case Title: USA v. Ralph Eugene Kibby

County where offense occurred: Genesee

Offense Type: Felony

Indictment – no prior complaint

Case: 4:21-cr-20501

Judge: Leitman, Matthew F.

MJ: Ivy, Curtis

Filed: 08-04-2021

SEALED MATTER (tt)

Superseding Case Information

Superseding to Case No: _____ **Judge:** _____

Reason:

Defendant Name

Charges

Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case

August 4, 2021

Date

s/Ann Nee

Ann Nee
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Flint, MI 48502
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(810) 766-5177

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.